

**UNITED STATES DISTRICT COURT**

EASTERN DISTRICT OF CALIFORNIA

OMAR MARTIN,

Plaintiff,

v.

KNIGHT,

Defendant.

No. 1:22-cv-01582-KES-BAM (PC)

ORDER ADOPTING FINDINGS AND  
RECOMMENDATIONS AND DENYING  
DEFENDANT'S MOTION FOR SUMMARY  
JUDGMENT

Docs. 40, 48

Plaintiff Omar Martin is a state prisoner proceeding pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983. This action proceeds on plaintiff's first amended complaint against defendant Knight for deliberate indifference in violation of the Eighth Amendment. Doc. 20. The matter was referred to a United States magistrate judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On January 26, 2024, Knight filed a motion for summary judgment on the grounds that plaintiff failed to exhaust his administrative remedies prior to filing suit. Doc. 40. On June 17, 2025, the assigned magistrate judge issued findings and recommendations that recommended denial of Knight's motion for summary judgment. Doc. 48. The findings and recommendations were served on the parties and contained notice that any objections thereto were to be filed within fourteen days after service. *Id.* at 11. The findings and recommendations served on plaintiff were returned as "Undeliverable, Return to Sender, Not Deliverable as Addressed, Unable to Forward"

1 on June 25, 2025. *See* docket. Plaintiff's notice of change of address was therefore due within  
2 thirty days thereafter. L.R. 183(b). No objections were filed by either party.<sup>1</sup> *See* docket.

3 In accordance with the provisions of 28 U.S.C. § 636(b)(1), this Court has conducted a de  
4 novo review of this case. Having carefully reviewed the file, the Court finds that the findings and  
5 recommendations are supported by the record and by proper analysis.

6 Accordingly:

- 7 1. The findings and recommendations issued on June 17, 2025, Doc. 48, are adopted  
8 in full;
- 9 2. Defendant Knight's motion for summary judgment, Doc. 40, is denied; and
- 10 3. This matter is referred back to the assigned magistrate judge for further  
11 proceedings.

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14 IT IS SO ORDERED.

15 Dated: September 13, 2025

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UNITED STATES DISTRICT JUDGE

<sup>1</sup> Though the findings and recommendations served on plaintiff were returned as undeliverable, they were properly served. *See* L.R. 182(f) (absent notice of a pro se party's change of address, service of documents at the prior address of record is fully effective).